

June 5, 1995

Memo for the Chair, Committee on Land and Personal Rights

From: Legal team

Re: Issues before the Committee with Respect to Article XI,  
Public Lands

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This memorandum lists the issues raised by sections within Article XI in order ranked by their apparent complexity or controversial nature, with the least complex and controversial first. The order also suggests issues that may logically flow one to another. This is intended to provide a starting point from which the Chair, in consultation with the Committee on Organization and Procedure, can set an agenda for the committee's work. As of June 5, 1995, counsel had received 16 proposals to amend Article XI, some of which cover several subjects.

1. Section 1, Marine resources: There are two proposals to change the description of the Commonwealth's jurisdiction over submerged lands to include reference to marine resources.

2. Section 4, Governance of public lands: There are 5 proposals to reinstate the Marianas Public Land Corporation. There is an alternative proposal to establish a Chamolinian Land Trust in place of the former MPLC. Each of these proposals would require consideration of the issues of an elected versus appointed board, terms of office, and qualifications for board members. Some of the proposals raise issues about budget authority, and staffing.

3. Section 5, Fundamental policies: There are 11 proposals to change the fundamental policies under which the public lands are governed. These include the following basic issues:

a) public parks: should the public lands program be changed from a homestead program granting individual parcels to a public program preserving large areas for public use, wildlife protection, and conservation?

b) homestead program: should changes be made in the rules for the homestead program, such as the amount of time a homestead must be held before it can be sold?

c) transfers of public lands: should outright transfers be prohibited and transfers be limited to leases; should transfers of large parcels be approved by the legislature?

d) changes in fundamental policies: should future changes in public policies be permitted only by popular initiative?